

**K-T Marine, Inc. and Dockbuilders Local Union  
1456, United Brotherhood of Carpenters and  
Joiners of America. Case AO-282**

November 30, 1990

**ADVISORY OPINION**

BY CHAIRMAN STEPHENS AND MEMBERS  
CRACRAFT, DEVANEY, OVIATT, AND  
RAUDABAUGH

Pursuant to Sections 102.98(a) and 102.99 of the National Labor Relations Board's Rules and Regulations, on October 19, 1990, Dockbuilders Local Union 1456, United Brotherhood of Carpenters and Joiners of America (the Petitioner) filed a petition for an advisory opinion as to whether the Board would assert jurisdiction over the operations of K-T Marine, Inc. (the Employer).

In pertinent part the petition alleges as follows:

1. There is presently pending in the Superior Court of New Jersey, Chancery Division, Monmouth County, an action, Docket No. C-2779-90, commenced by the Employer. There is also an appeal relating to the issuance of a preliminary injunction which is filed in the Superior Court of New Jersey, Appellate Division, Docket No. A-6720-89 T3. The basis of the lawsuit is to enjoin the Petitioner from engaging in certain picketing conduct against the Employer at various sites, including the construction site where work is being performed and at the home of the principal stockholder of the Employer.

2. The Employer is a corporation duly organized and existing under the laws of the State of New Jersey and authorized to do business in the State of New Jersey, with offices located in Perth Amboy, New Jersey. The Employer is engaged in the business of marine construction and, at all times material, has engaged in the business of marine construction, including, but not lim-

ited to, performing marine construction work in Sea Bright, New Jersey, at County Bridge S-32, which work includes repairing the undermined bridge abutment and constructing steel sheet pile bulkheads.

3. The Employer annually purchases, directly or indirectly, goods or services valued in excess of \$50,000, outside the State of New Jersey.

4. The Employer annually ships goods or provides services valued in excess of \$50,000 within the State of New Jersey to users engaged in commerce, within the meaning of the Act.

5. There is no pending representation or unfair labor practice proceeding before the Board.

On November 8, 1990, the Employer filed a brief in opposition to the petition for advisory opinion. The Employer stated that it does not dispute the fact that it is involved in interstate commerce in that it has purchased goods or services outside the State of New Jersey, either directly or indirectly, valued in excess of \$50,000.

Having duly considered the matter, the Board is of the opinion that it would assert jurisdiction over the Employer. The Board has established a standard of \$50,000, direct or indirect inflow or outflow, for asserting jurisdiction over nonretail entities.<sup>1</sup> The Petitioner has alleged and the Employer has not disputed facts which clearly satisfy the Board's discretionary and statutory standards for asserting jurisdiction.

Accordingly, the parties are advised that, based on the foregoing allegations and assumptions, the Board would assert jurisdiction over the Employer.<sup>2</sup>

<sup>1</sup> See *Simons Mailing Service*, 122 NLRB 81 (1958).

<sup>2</sup> The Board's advisory opinion proceedings under Sec. 102.98(a) of the Board's Rules and Regulations are designed primarily to determine whether an employer's operations meet the Board's "commerce" standards for asserting jurisdiction. Accordingly, the instant Advisory Opinion is not intended to express any view as to the authority of the Superior Court of New Jersey to issue an injunction with regard to any dispute between the parties.